

REMARKS

I. REJECTION UNDER 35 U.S.C §102 OF INDEPENDENT CLAIMS 1 AND 23

The Examiner rejected independent Claims 1 and 23 under 35 U.S.C. § 102(e) for anticipation in light of U.S. Patent 6,665,537 to Liroy (hereafter “the ‘537 Patent”).

Under 35 U.S.C. §102, the prior art must disclose each and every claim element for an invention to be anticipated by prior art. *Constant v. Advanced Minor-Devices, Inc.*, 848 F. 2d 1560 (Fed. Cir. 1988). All claim limitations of the invention must also be considered in determining patentability. *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, 909 F. 2d 1464 (Fed. Cir. 1990). Almost is not enough; the prior art must disclose all the elements. *Connell v. Sears, Roebuck & Co.*, 722 F. 2d 1542 (Fed. Cir. 1983).

Accordingly, the absence of any claimed element negates anticipation under 35 U.S.C. §102.

Claims 1 and 23 have been amended to add limitations not found in the ‘537 Patent. The independent Claims 1 and 23 require detecting movement of a mobile node onto the foreign network using protocols operating on the Network Layer and Link Layer to initiate the transmission of an agent solicitation. Claim 1 has additional limitations that require 1) detecting movement using protocols operation on the Network Layer and the Link Layer level, 2) initiating agent solicitation transmission by either the transmitter or the mobile node operating in cooperation with the transmitter, and 3) transmitting an agent advertisement to the mobile node as a unicast message addressed to the mobile node. Claim 23 has similarly been amended to require 1) detecting movement of the mobile node using protocols operating on the Network Level and the Link Layer, 2) transmitting the agent solicitation by the transmitter coupled to with the foreign agent or by the

transmitter in cooperation with the mobile node, and 3) transmitting an agent advertisement as a unicast message addressed to the mobile node

The '537 reference does not teach, suggest, or disclose the above amending limitations. The '537 Patent uses movement detection solely by the CDMA IS-95 signaling at the layer 2 level. Another distinguishing feature is that the agent advertisement in the '537 Patent is broadcast to the subnet where the mobile node is located and is not unicast transmitted. The agent solicitation message triggering agent advertisement broadcast is sent only by the mobile node and not the transmitter. These are substantial noted difference compared to the invention. Because the cited prior art does not teach, disclose, or suggest all the limitations of the independent Claims 1 and 23, a § 102 rejection cannot be sustained. The dependent claims likewise contain all the limitation not found in the cited '537 reference and are also allowable. Applicants respectfully request reconsideration of independent Claims 1 and 23 and their dependent claims in light of these comments.

II. REJECTION UNDER 35 U.S.C §103

The Examiner rejected independent Claim 31 for obviousness under 35 U.S.C. §103(a) based on the '537 reference in view of the '362 Patent and the '505 Patent. Claim 31 had been amended similarly to the other independent claims to add limitations. Amended Claim 31 requires 1) a transmitter located in range of the mobile node transmitting an agent solicitation message initiated by the detection of mobile node movement into transmission range for the foreign network by the transmitter or by the

mobile node in cooperation with the transmitter, 2) transmitting an agent advertisement as a unicast message directed to the mobile node, and 3) detecting movement using protocols operating on the Network Layer or Link Layer. These limitations are not taught, suggested, or disclosed by the cited art references, alone or in combination, and independent Claim 31 is believed allowable. Because the dependent claims of Claim 31 contain all the limitations of Claim 31, it is likewise believed that the independent claims are likewise not obvious in light of the cited prior art. Therefore, it is respectfully suggested that the Examiner's obviousness rejection based upon the cited prior art references is improper and that claims 31-54 are allowable.

III. CONCLUSION

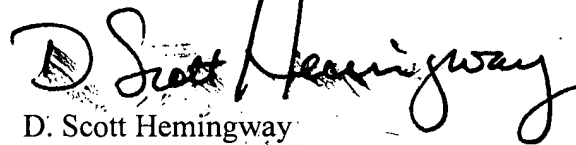
The Applicants respectfully request reconsideration of the present application because the Examiner's 35 U.S.C. §§ 102(e) and 103(a) rejections are believed to have been traversed by the present Response. Independent claims 1, 23, and 31 are believed allowable because the cited prior art fails to disclose, teach, or suggest all the claimed elements. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, pending claims 1-54 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited prior art.

The Applicants request an extension of time of three months past the shortened statutory three-month time period set for response to this Office Action. A check in the amount of \$1,020.00 is enclosed for payment of this extension of time.

It is believed that no additional fees are necessary for this filing. If additional fees

are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink, reading "D. Scott Hemingway". The signature is written in a cursive style with a large, stylized "D" at the beginning.

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